

Application No.: 10/751,480

Docket No.: 2038-315

**REMARKS**

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

The Examiner's indication of allowable subject matter of claim 4 is noted with appreciation.

Claims 1-21 are pending in the application. Claims 1-4 have been amended to improve claim language. Claims 5-21 have been added to provide Applicants with the scope of protection to which they are believed entitled. The new claims find solid support in the original specification, especially the drawings. The Abstract has been revised to be compliant with commonly accepted US patent practice. No new matter has been introduced through the foregoing amendments.

The 35 U.S.C. 112, *second paragraph* rejection of claims 1-4 is believed overcome in view of the above amendments.

The 35 U.S.C. 112, *first paragraph* rejection of claim 1-4 is also believed overcome in view of the above amendments. In particular, amended claim 1 has been amended to specify that the web comprises backsheets of the diapers arranged side by side, and to remove the original language that "backsheets... having said pair of side edges... successively connected one to another... so as to be continuous in said transverse direction." Amended claim 1 no longer requires the backsheets be connected along the side edges.

The 35 U.S.C. 103(a) rejection of claims 1-3 as being obvious over U.S. Patent No. 6,328,725 to *Fernfors* in view of other, teaching references is traversed, because the applied references singly or in combination fail to disclose, teach or suggest all limitations of the rejected claims, especially the limitation of claim 1 that the web and the tape fasteners are cut together.

The primary reference of *Fernfors* does not teach or disclose the claimed limitation. In

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particular, in the process disclosed by *Fernfors*, the diapers are separated first (*see Fernfors* at FIG. 3(c), column 5, lines 13-14) and then the tape fasteners are cut (*see Fernfors* at FIG. 3(e), column 5, lines 52-54).

The *Fernfors* reference is not modifiable to include the claimed limitation because it teaches away from the claimed limitation, requiring "longitudinally separating said adjacent articles at said line of intended separation but without rupturing said strips, so as to provide a free zone between said strips and the adjacent separated edges of each article." *See* claim 1, step d of *Fernfors* at column 7, lines 35-38.

Thus, *Fernfors* neither discloses nor suggests the claimed limitation. This deficiency is not deemed curable by the other teaching references which are mainly relied upon by the Examiner for the claimed folded tape fasteners. Accordingly, Applicants respectfully submit that claim 1 is patentable over the applied art of record.

Claims 2-11 depend from claim 1, and are considered patentable at least for the reason advanced with respect to claim 1. Claims 4-11 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

As to claims 4-5, the applied references do not teach or suggest the indicated allowable subject matter of claim 4.

As to claims 6-7, the applied references do not fairly teach or suggest that the intermediate portion is made integrally with and connects the top/bottom sections of the Z-shape and inverted Z-shape of the opposite end portions.

As to claims 8-10, the applied references do not teach or suggest the claimed releasable bonding between the adjacent sections of the Z-shape and inverted Z-shape.

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As to claim 11, the applied references, especially *Fernfors*, do not teach or suggest the claimed permanently bonding the tape fastener members to said web. *Fernfors* discloses that the tape fasteners (8) are releasably attached to the diaper web, either directly or via a strip (5). See *Fernfors* at column 4, lines 5-14.

New independent claim 12 is directed to a process of making disposable diapers, said process comprising: feeding continuously a web in a machine direction, wherein said web comprises backsheets of a plurality of diapers arranged side-by side with intended cutting lines located between adjacent said diapers, and said web further has a surface defining an outer surface of the diapers; providing tape fastener members each having, in said machine direction, longitudinally opposite end portions and an intermediate portion extending between said opposite end portions, said opposite end portions respectively comprising two folded tape fasteners for two adjacent said diapers on said web; bonding the opposite end portions of said tape fastener members to said surface of said web, wherein the intermediate portion of each of said tape fastener members extends across one of said intended cutting lines; and simultaneously cutting said web and the tape fastener members along said cutting lines to obtain the individual diapers having the folded tape fasteners.

As discussed above with respect to claim 1, the *Fernfors* web and tape fastener members are not cut simultaneously and the reference teaches away from the claimed simultaneous cutting. This deficiency is not deemed curable by the other teaching references. Accordingly, Applicants respectfully submit that new independent claim 12 is patentable over the applied art of record.

Claims 13-20 depend from claim 12, and are considered patentable at least for the reason advanced with respect to claim 12. Claims 14-20 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art, as argued above with respect to claims 4-11.

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New independent claim 21 includes limitations similar to those of allowable claim 4 and is therefore believed patentable over the applied art of record.

Each of the Examiner's rejections has been traversed/addressed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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571-273-8300  
FACSIMILE NUMBER